

REMARKS

Claims 1-16 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 2, 4, 5, and 7. Claim 1 was amended to further clarify the invention and to broaden the scope of the claim. Claim 2 was amended to further clarify the invention and claims 4, 5, and 7 were editorially amended for reasons of precision of language and consistency. The amendments do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents.

Preliminary Matters

As a preliminary matter, Applicant thanks the Examiner for initialing and returning the PTO-1449 Form filed with the Information Disclosure Statement filed on November 6, 2002. In addition, Applicant thanks the Examiner for accepting the drawing corrections filed on March 4, 2004.

Claim Rejections

Turning to the merits of the Office Action, claims 1-2 and 4-7 are finally rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,600,713 to Tognazzini (hereinafter "Tognazzini") and claim 3 is finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Tognazzini. The Examiner alleges that the serial number as taught by Tognazzini corresponds to the file management information as set forth in claim 1 because it identifies a disk which has files and user input (see page 4 of the Office Action). Applicant respectfully traverses these rejections in view of the following remarks.

The illustrative, non-limiting embodiment of the invention is directed to a hybrid recording medium with a write area capable of updating a file stored in a read only memory by recording the file onto the write area. In the conventional techniques, once the data is stored in the read only memory, *e.g.*, CD-ROM or DVD-ROM, the update of this stored data is impossible because the memory is a read only memory. The exemplary embodiment of the invention addresses this problem by storing an updated version of the data in the write memory. Moreover, in order to direct all the requests for the old data to the updated version, the file management information, stored in the write area, is updated. Thereby, when the data which has been updated is requested, the updated version will be provided instead of the old version. This passage is provided by way of an example only and is not intended to limit the scope of the claims in any way.

Turning to the cited art, Tognazzini teaches a hybrid optical recording medium, which is arranged to allow original information that is pre-recorded in a mass manufacturing process to be supplemented by additional information written to the disk after the original information has been recorded using a disk drive (*see* Abstract). In particular, Tognazzini teaches a disk with a serial number for indicating that additional information is recorded in the read/write part 102 of the disk. When the disk is inserted and the serial number is detected, the serial number is matched with a record containing control information, stored in the RAM 410B of the computer.

In Tognazzini, the control information is used as an index to identify the category of the disk and the format of the inputs or information stored in the read/write part thereof. For example, the control information can indicate that the disk is a CD and the inputs stored in the read/write part thereof indicate a playback program or that the disk is a CD-ROM game and the

information stored in the read/write part thereof is indicative of the ending game position. The information processing system then carries out the program or otherwise performs steps in accordance with the control information corresponding to the serial number and the information in the read/write part of the hybrid disk (Fig 6; col. 5, line 48 to col. 6, line 28).

The Examiner contends that Tognazzini discloses each feature of independent claim 1 (see page 2 of the Office Action). This rejection is not supportable for at least the following reasons. Claim 1, as now amended, recites “a write area recording an updated version of the pre-recorded file.” Tognazzini deals with the hybrid recording medium with a read-only part 101 and a read/write part 102 (Fig. 1; col. 3, lines 47 to 57). Original information is pre-recorded on the read-only part 101 and then periodically updated with the supplemental information stored in the read/write part 102. The supplemental information could be downloaded to the CD-ROM through an information processing system such as a computer (Fig. 4; col. 5, lines 11 to 18). The information in the read-only part 101 includes songs, video, games or text. The supplemental information is user input indicating preferred customization for the reading of information pre-recorded in the read-only part 101. It may also include last position of a user in the information (col. 5, line 61 to col. 6, line 19).

Tognazzini, however, only teaches storing additional or supplemental information in the read/write part 102. In other words, the information stored in the read/write part 102 is not an updated version of the information in the read-only part 101. In Tognazzini, the information stored in the read/write part 102 is user preferences and not the updated version of the information in the read-only part. In short, Tognazzini, is no different from the prior art discussed in the specification, it is incapable of updating the information stored in the read-only

part 101 with a new version. Tognazzini only teaches storing additional information and it clearly fails to teach or suggest being able to replace information in the read-only part with information in the read/write part. In sum, Tognazzini fails to teach or suggest a write area recording an updated version of the pre-recorded file stored in the read-only section. Claims 2-7 depend on claim 1 and they may be patentable at least by virtue of their dependency.

New Claims

In order to provide more varied protection claims 8-16 are herein added. Claim 8 is patentable at least by virtue of its dependency on claim 1.

Independent claim 9 is patentable at least by virtue of its recitation that “when inconsistency is detected between a section of the first set of data and a corresponding section of the second set of data, recording and storing the section of the first information in the write area of the recording medium so as to serve as a replacement for the corresponding section of the second set of data in the read-only area of the recording medium.” Claims 10-15 are patentable at least by virtue of their dependency on claim 9.

Independent claim 16 is patentable at least by virtue of its recitation of “when a mismatch occurs, recording the corresponding reference section to the write section and updating the management information to access the updated version instead of the requested section.”

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

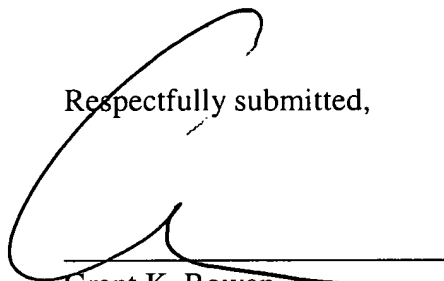
Amendment under 37 C.F.R. § 1.116
U.S. Application No.: 09/816,352

Attorney Docket No.: Q63622

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Grant K. Rowan', written over a horizontal line.

Grant K. Rowan
Registration No. 41,278

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 11, 2004